THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.14865 of 2007

Dated 12-07-2007

Between:

The Vasthakonduru Fishermen Primary
Co-op. Society Ltd., rep. by its President

…Petitioner

And

The Fisheries Development Officer, Bhongir
and another

…Respondents

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Writ Petition No.14865 of 2007

ORDER:

The petitioner is a Fishermen Co-operative Society. One Sri Dumpala Ramulu, claims to be the President, and filed this writ petition, assailing the notification dated 02-07-2007, issued by the District Collector and Election Authority, the 2nd respondent herein.

The petitioner contends that the term of the Managing Committee of the society expired long back. The petitioner states that the general body of the society met on 30-06-2007, and unanimously elected the President, General Secretary and Treasurer. The proceedings of the meeting are said to have been communicated to the 1st respondent, the Fisheries Development Officer. It is also alleged that in the same meeting, 25 persons, who were admitted as members, but residents of a different village; were removed. It is alleged that when there is a validly elected committee, for the society, there is absolutely no basis for the 2nd respondent to issue the impugned notice.

Heard the learned counsel for the petitioner and learned Government Pleader for Fisheries.

It is not in dispute that the term of the previous committee expired long back. The only occasion for conducting elections for societies of this nature, without the intervention of the official machinery, would be when the incumbent or outgoing committee, holds the elections before the expiry of its term. Once the term of a committee had expired, the question of conducting elections, without

the intervention of the Election Authority, does not arise. Therefore, the so-called elections, said to have been conducted on 30-06-2007, are of no legal consequence.

The 2nd respondent issued notification, as provided for under sub-rule (2) of Rule 22 of the A.P. Cooperative Societies Rules (for short '*the Rules*), by appointing an Election Officer. In view of the fact that the society belongs to weaker section, the procedure contemplated under Rule 22-B, was adopted.

The grievance of the petitioner is that the voters' list was not updated, and ineligible persons were not deleted; cannot be considered at this stage. Rule 22(2)(b) of the Rules prescribes the procedure for preparation and updating of the electoral roll. The nature of steps to be taken, at this stage, is confined to ensuring the conformity with the records of the society. The question of removing the existing member, or admitting any fresh candidate, at this stage, does not arise. The petitioner has still, the time to point out the discrepancies, if any, as to the membership, but restricted to the one, as between the voters' list, on the one hand, and the membership register of the society, on the other hand. It hardly needs any emphasis, that it is the prerogative of the general body of the society, either to admit or remove a member, and howsoever genuine a case may be, the Election Authority, or Officer cannot undertake such exercise.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to point out the discrepancies, if any, in the voters' list, that may be prepared, and the verification shall be confined only to the one, with reference to the membership Register of the Society, and an existing member cannot be removed nor a fresh one be admitted, at this stage.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.12-07-2007

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